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DATE FILED: 9/21/2017

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

-v. :

JASON NISSEN, :

Defendant. :

- - - - - - - - - - - - - - x

PROTECTIVE ORDER

17 Cr. 477 (PAE)

WHEREAS, the United States of America seeks to provide certain materials to the defense pursuant to Rule 16 of the Federal Rules of Criminal Procedure;

WHEREAS, the material that the Government is amendable to providing consists of materials of third-parties and victims, including recordings of phone calls made by individual(s) who are not defendant(s) in this case; summaries of those recordings; and e-mails of such individual(s);

WHEREAS, those recordings and e-mails contain, among other things, discussions of private and personal matters; and

WHEREAS, the Government is willing, under the conditions set forth below, to produce such materials described above;

IT IS HEREBY agreed, by and between the United States of America, Joon H. Kim, Acting United States Attorney, by Kan M. Nawaday, Assistant United States Attorney, on the one hand; and defendant Jason Nissen, by his attorney, Michael F. Bachner, Esq., on the other, that:

1. Certain materials of third-parties, victims, and individual(s) who are not defendant(s) in this case may be produced in this case and may be marked as "Confidential" by the Government.

2. Such "Confidential" materials disclosed to the defendant or to his counsel during the course of proceedings in this action:

a. Shall be used by the defendant and his counsel only for purposes of the defense of this action;

b. Shall be maintained in a safe and secure manner solely by the defendant's counsel; and shall not be disclosed in any form by the defendant or his counsel except as set forth in paragraph 2(c) below;

c. May be disclosed by the defendant or his counsel only to the following persons (hereinafter "Designated Persons"):

i. investigative, secretarial, clerical, and paralegal student personnel employed full-time or part-time by the defendant's counsel;

ii. independent expert witnesses, investigators, or advisors retained by the defendant's counsel in connection with this action;

iii. such other persons as hereafter may be authorized by the Court upon motion by the defendant; and

d. Shall be returned to the Government following the conclusion of the above-referenced case, and any all copies made of said material shall be shredded, erased, and/or destroyed, as the case may be.

3. The defendant and his counsel shall provide a copy of this Order to Designated Persons to whom they disclose Confidential materials pursuant to paragraph 2(c). Prior to disclosure of Confidential materials to Designated Persons, pursuant to paragraph 2(c), any such Designated Person shall agree to be subject to the terms of this Order. Any such Designated Person identified in paragraph 2(c)(iii) shall sign a copy hereof and provide such copy to the Government and the defendant's counsel.

4. The provisions of this Order shall not be construed as preventing the disclosure of any information in any motion, hearing, trial, or sentencing proceeding held in connection with the above-referenced action or to any District Judge or Magistrate Judge of this Court for purposes of the above-referenced action.

Dated: New York, New York
September 13, 2017

JOON H. KIM
Acting United States Attorney
Southern District of New York

By: Kan M. Nawaday
Assistant United States Attorney

Michael Bachner/HW
Michael F. Bachner, Esq.
Attorney for Defendant
Jason Nissen

SO ORDERED:

September 21, 2017

Paul A. Engelmayer
HONORABLE PAUL A. ENGELMAYER
United States District Judge
Southern District of New York